

CIVIL ACTION NO. 3:11-CV-545-DCK

Plaintiff,

V.

Defendant.

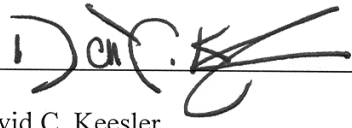
ORDER

THIS MATTER IS BEFORE THE COURT *sua sponte* regarding Defendant’s “Third Party Complaint” (Document No. 11) filed March 12, 2012. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and immediate review of this motion is appropriate. Having carefully considered the motion, the record, and applicable authority, the undersigned will order that Defendant’s “Third Party Complaint” be stricken.

Federal Rule of Civil Procedure 14 provides that a defending party may serve a summons and complaint on a nonparty, “[b]ut the third-party plaintiff must, by motion, obtain the court’s leave if it files the third-party complaint more than 14 days after serving its original answer.” Fed.R.Civ.P. 14 (a)(1). In this case, Defendant filed his “Third Party Complaint” (Document No. 11) more than 14 days after filing his “Answer” (Document No. 7).

IT IS, THEREFORE, ORDERED that Defendant’s “Third Party Complaint” (Document No. 11) be **STRICKEN**. Defendant may file a motion for leave to file a third-party complaint consistent with Fed.R.Civ.P. 14 and the Local Rules of this Court.

Signed: March 13, 2012

A handwritten signature in black ink, appearing to read "D.C. Keesler", is written over a horizontal line.

David C. Keesler
United States Magistrate Judge

